

Other indications of an independent contractor relationship would include the furnishing of tools by the claimant and payment in a lump sum for completed performance. *McCarty v. Great Bend Board of Education*, 195 Kan. 310, 403 P.2d 956 (1965).

In this case, claimant was to be paid \$4700 to build cabinets for a home being constructed by respondent. He was told that time was important and his work should be done by Memorial Day. Claimant furnished his own tools and performed the work in his own home. While the evidence does indicate some control by the respondent in the details, the control is not, in our view, inconsistent with an independent contractor relationship. The Board finds claimant was an independent contractor, not an employee.

The Board concludes claimant is not entitled to the status of a statutory employee under these circumstances. K.S.A. 1996 Supp. 44-503. Claimant's injury occurred while performing work at home. In addition, self-employed individuals are not considered employees for purposes of the statutory employee provisions. Aetna Life & Cas. v. Americas Truckway Systems, Inc., 23 Kan. App. 2d 315, 929 P.2d 807 (1997).

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Nelsonna Potts Barnes on July 2, 1998, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of September 1998.

BOARD MEMBER

c: Paul V. Dugan, Jr., Wichita, KS
Jeffery R. Brewer, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director